APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,914	10/29/2003	John Ezell	030366	8225

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EXAMINER
DARNO, PATRICK A

ART UNIT	PAPER NUMBER
2163	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/696,914	EZELL ET AL.
	Examiner	Art Unit	
	Patrick A. Darno	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-12 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-4, 6-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated

by U.S. Patent Number 5,974,563 issued to Donald E. Beeler, Jr. (hereinafter "Beeler").

Claim 1:

Beeler a method for synchronizing data in first and second computer servers

(Beeler: column 15, lines 46-48 and Fig. 26), the first computer server including a first plurality

of data sets each having a first identifier and a first set of attributes *(Beeler: Fig. 26, 260 and*

column 5, lines 44-48 and column 9, lines 33-36; Note that the entire contents of a first server's hard drive

can be synchronized (mirrored) with a second server's hard drive. The content of a computer's hard drive

contains a plurality of files. Furthermore, stored files contain at least one identifier (file name) and a

plurality of attributes (size, date created, date modified, etc.). So it is clear that each server has data sets

including at least a first identifier and some form of first attributes.), and the second computer server

including a second plurality of data sets each having a second identifier and a second set

of attributes *(Beeler: Fig. 26, 262 and column 5, lines 44-48 and column 9, lines 33-36; Note that the*

Source Server is the 'first server' and the Target Server is the 'second server'.), the method

comprising:

transmitting a second identifier *(Beeler: Fig. 26, 263; The second identifier is FAST.DAT*

(263).) and a second checksum value *(Beeler: Fig. 26, 265)* both associated with one of the

second plurality of data sets to the first computer server *(Beeler: column 15, lines 46-48 and*

column 15, line 50 – column 16, line 7; Note specifically column 15, lines 56-58. The information

(identifier and checksum) related to a data set that is to be synchronized is requested from the second server

by the first server. The first server receives this information. It is clear that the second server transmitted

this information. Since the information was stored in the second server, the identifier and checksum

involved must be the second identifier and second checksum.);

accessing one of the first plurality of data sets having a first identifier *(Beeler: Fig.*

26, 261; The first identifier is FAST.DAT (261).) corresponding to the transmitted second

identifier to determine a first checksum value *(Beeler: Fig. 26, 264)* associated with the

accessed data set *(Beeler: column 15, lines 46-48 and column 15, line 50 – column 16, line 7)*; and,

when the first checksum value is not equal to the transmitted second checksum

value *(Beeler: column 15, lines 58-61 and column 15, line 67 – column 16, line 7; Note that transmitting*

and replacing only takes place if the two checksum values are unequal (i.e., different).), transmitting the

one of the first plurality of data sets from the first computer server to the second

computer server to replace a second set of attributes of the one of the second plurality of

data sets with the first set of attributes of the one of the first plurality of data sets *(Beeler:*

column 15, lines 58-61 and column 15, line 67 – column 16, line 7).

Claim 2:

Beeler discloses all the elements of claim 1, as noted above, and Beeler further

discloses wherein the one of the first plurality of data sets includes the first set of

attributes associated with one of a physical network element, a software event, and a

logical operator *(Beeler: column 5, lines 44-48; Surely a file stored on a server is a data set, having attributes, associated with a physical network element. The file (data set) and its attributes are associated with the server (physical network element) because the file is stored on the server.).*

Claim 3:

Beeler discloses all the elements of claim 1, as noted above, and Beeler further discloses wherein the first checksum value is calculated by the first computer server using the first set of attributes associated with the one of the first plurality of data sets *(Beeler: column 19, lines 4-7; Clearly the size of a data set is an 'attribute'. Note specifically that at least the size attribute is used in calculating the checksum.).*

Claim 4:

Beeler discloses all the elements of claim 1, as noted above, and Beeler further comprising transmitting the first checksum value to the second computer server to replace the second checksum value in the second computer server with the first checksum value *(Beeler: column 15, line 67 – column 16, line 7; When the file is overwritten in the second (target) server, the first checksum value (from source) replaces the second checksum (stored in target) because now both the target version and the source version are both the same. If the files are the same, their checksums are equal.).*

Claim 6:

Beeler discloses all the elements of claim 1, as noted above, and Beeler further discloses wherein the first plurality of data sets includes at least one data set that does not correspond to any of the second plurality of data sets *(Beeler: column 19, lines 7-12).*

Claim 7:

Claim 7 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 8:

Claim 8 is rejected under the same reasons set forth in the rejection of claim 2.

Claim 9:

Claim 9 is rejected under the same reasons set forth in the rejection of claim 3.

Claim 10:

Claim 10 is rejected under the same reasons set forth in the rejection of claim 4.

Claim 12:

Claim 12 is rejected under the same reasons set forth in the rejection of claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Beeler and further in view of U.S. Patent Number 5,999,937 issued to Scott Ellard

(hereinafter "Ellard").

Claim 5:

Beeler discloses all the elements of claim 1, as noted above, but Beeler does not

explicitly disclose wherein the one of the first plurality of data sets is formatted

differently than the one of the second plurality of data sets.

However, Ellard discloses wherein the one of the first plurality of data sets is formatted differently than the one of the second plurality of data sets *(Ellard: column 3, lines 37-50 and Fig. 1)*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Beeler with the teachings of Ellard noted above for the purpose of permitting a computer system to contain a first plurality of data sets which is formatted differently than a second plurality of data sets *(Ellard: column 3, lines 37-50 and Fig. 1)*. The skilled artisan would have been motivated to improve the teachings of Beeler per the above in order to configure a computer system to automatically covert and transfer data from a first data format to a second data format *(Ellard: column 1, lines 29-31)*. Configuring a computer system to automatically convert and transfer data from a first data format to a second data format provides the advantage of saving time involved, and reduces the chance of errors arising, in the conversion and transfer of data *(Ellard: column 1, lines 21-30)*.

Claim 11:

Claim 11 is rejected under the same reasons set forth in the rejection of claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.
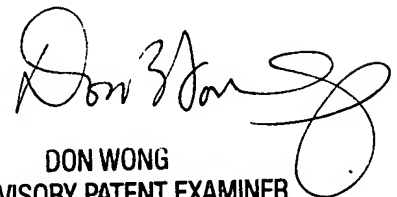
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno
Examiner
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